

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

PHILIP MINCHOFF, JR. and	:	
DOROTHY MINCHOFF, his wife	:	
	:	CIVIL DIVISION
Plaintiffs	:	
	:	
v.	:	JURY TRIAL DEMANDED
	:	
THOMAS RUSSELL;	:	
SWIFT TRANSPORTATION	:	
COMPANY OF ARIZONA, LLC;	:	
SWIFT TRANSPORTATION CO.,	:	
OF PHOENIX, LLC; and,	:	
SWIFT TRANSPORTATION	:	
SERVICES, LLC	:	
	:	NO.
Defendants	:	

NOTICE OF REMOVAL

AND NOW, come the Defendants, Thomas Russell, Swift Transportation Company of Arizona, LLC, Swift Transportation Co., of Phoenix, LLC and Swift Transportation Services, LLC, by and through their counsel, PION, NERONE, GIRMAN, WINSLOW & SMITH, P.C., Stephen E. Geduldig, Esquire and Jeffrey T. McGuire, Esquire, and pursuant to 28 U.S. C. §1441 and §1446, files this Notice of Removal of the foregoing matter from the Court of Common Pleas of Lackawanna County, No. 21-CV-5414 to the United States District Court for the Middle District of Pennsylvania, and in support thereof, states as follows:

1. Plaintiff commenced this civil action by filing a Civil Action Complaint in the Court of Common Pleas of Lackawanna County, Pennsylvania at Civil Docket No. 21-CV-5414 on December 14, 2021.

2. Plaintiff is a citizen of the Commonwealth of Pennsylvania.

3. Defendant, Thomas Russell, is a citizen of the State of Virginia.

4. Defendants, Swift Transportation Company of Arizona, LLC, Swift Transportation Co., of Phoenix, LLC and Swift Transportation Services, LLC, [herein after Swift], are incorporated under the laws of the State of Arizona and has its principle place of business in the State of Arizona.

5. On December 14, 2021, Plaintiff filed a Civil Action Complaint in the Lackawanna County Court of Common Pleas which was served on Defendant, Thomas Russell, by mail on or about December 24, 2021.

6. Plaintiff is a citizen of the Commonwealth of Pennsylvania. Plaintiff and Defendants are diverse, and diversity of citizenship existed at the time this civil action was filed and at the time of the filing of this Notice of Removal.

7. Plaintiff's Complaint asserts counts for negligence, carelessness, recklessness and claims damages for personal injuries including permanent injuries, including injuries to his left leg pain, swelling to left labial area, bilateral hip pain, back pain, closed fracture of shaft and plateau of left tibia, acute kidney injury, and shock to his nerves and nervous system, as well as economic claims for

medical expenses that may be required for an indefinite period of time into the future, loss of earnings, loss of business opportunities and/or impairment of earning capacity or power, the amounts of which are asserted to exceed the jurisdictional limits of compulsory arbitration (\$50,000.00) in Lackawanna County.

8. A fair reading of the Plaintiff's Complaint, with its inclusion of claims for serious and permanent injuries, future earnings loss and past and future medical expenses, reveals an amount in controversy exceeding the sum of \$75,000.00, exclusive of interest and costs. See Plaintiff's Complaint found in Exhibit "A", paragraphs 15-20.

9. Accordingly, this action is one in which the District Courts of the United States possess original jurisdiction under 28 U.S. C. §1332.

10. Venue is proper in this Court because it is the district court for the district in which Plaintiff's cause of action was original filed.

11. This Notice of Removal is filed within thirty (30) days after Defendants' receipt of service of Plaintiff's Complaint at which time it was first ascertained that Plaintiff's claim is one which is removable, in that complete diversity exists and Plaintiff claims compensatory damages for personal injury, loss of earnings and loss of earnings potential, as well as claims for past and future medical expenses.

12. Attached hereto as Exhibit "A", are true and correct copies of all of the pleadings which have been filed in this action in the Court of Common Pleas in Lackawanna County, Pennsylvania at Docket No. 21-CV-5414.

13. Concurrent with filing of this Notice of Removal, Defendants have filed a Notice of Filing of Notice of Removal with the Prothonotary of the Court of Common Pleas of Lackawanna County, Pennsylvania, advising that Defendants have removed this action to the United States District Court for the Middle District of Pennsylvania, together with service to all parties.

14. By filing this Notice of Removal, Defendants do not waive any defenses which may be available to it.

WHEREFORE, the civil action filed in the Court of Common Pleas of Lackawanna County, Pennsylvania at Civil Docket No. 21-CV-5414 is hereby removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

**PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.**

/s/ Stephen E. Geduldig
STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

/s/ Jeffrey T. McGuire
JEFFREY T. MCGUIRE, ESQUIRE
Attorney I.D. No. 73617

**Attorneys for Defendants, Thomas Russell, Swift
Transportation Company of Arizona, LLC,
Swift Transportation Co., of Phoenix, LLC and
Swift Transportation Services, LLC**

CERTIFICATE OF SERVICE

I, Jeffrey T. McGuire, Esquire, of the law firm of Pion, Nerone, Girman, Winslow & Smith, P.C., counsel for the Defendants, hereby state that a true and correct copy of the foregoing **Notice of Removal** was filed with the Clerk of Court via electronic filing and a true and correct copy was served upon counsel of record by electronic mail on this date as follows:

Daniel W. Munley, Esquire
Munley Law, P.C.
227 Penn Avenue
Scranton, PA 18503
dmunley@munley.com
Counsel for Plaintiff

**PION, NERONE, GIRMAN,
WINSLOW & SMITH, P.C.**

Date: 1/3/2022

/s/ Jeffrey T. McGuire
JEFFREY T. MCGUIRE, ESQUIRE
Attorney I.D. No. 73617

**Attorneys for Defendants, Thomas
Russell, Swift Transportation Company
of Arizona, LLC, Swift Transportation
Co., of Phoenix, LLC and Swift
Transportation Services, LLC**